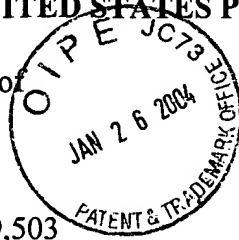


7/45

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
B. Reilly BARRY et al.)
Application No.: 09/159,503)
Filed: September 24, 1998)
For: INTEGRATED BUSINESS SYSTEM FOR)
WEB BASED TELECOMMUNICATIONS)
MANAGEMENT)



Group Art Unit: 3621

Examiner: F. Backer

RECEIVED
JAN 29 2004
GROUP 3600

TRANSMITTAL FOR SUPPLEMENTAL APPEAL BRIEF

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Appeal-Brief Patents
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Transmitted herewith in triplicate is a Supplemental Appeal Brief in response to the non-final rejection mailed October 24, 2003. Appellants hereby request reinstatement of the Appeal filed September 16, 2003.

The Commissioner is hereby authorized to charge any other appropriate fees that may be required by this paper that are not accounted for above, and to credit any overpayment, to Deposit Account No. 13-2491. This paper is submitted in triplicate.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: Glenn Snyder
Glenn Snyder
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Date: January 26, 2004



In re Application of:

B. Reilly BARRY et al.

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For: **INTEGRATED BUSINESS SYSTEM FOR
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Arlington, Virginia 22202

Sir:

This Supplemental Appeal Brief is submitted in response to the non-final rejection mailed October 24, 2003. Appellants hereby request reinstatement of the Appeal. Appellants also submit this Supplemental Appeal Brief in support of the request for reinstatement of the Appeal.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is WorldCom, Inc.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1, 3-5, 7-15, 56-60 and 96 are currently active in this application. Claims 16-55 and 61-95 have been withdrawn from consideration as a result of a restriction requirement.

All of the active claims are the subject of the present appeal.

IV. STATUS OF AMENDMENTS

No Amendment has been filed subsequent to the Office Action mailed October 24, 2003.

V. SUMMARY OF THE INVENTION

The present invention is directed to an integrated and secure system for enabling a customer to command and control the customer's switched communications connections within a network. As described in Appellants' specification at page 9, line 8 to page 11, line 28, the present invention uses a web-based system to allow a customer a single point of access to all of the telecommunications services provided by the enterprise to the customer. The customer interface may provide access to applications/systems including: a report requestor/report viewer, a centralized in-box system, a real-time monitoring system, a toll-free network management system, an outbound network management system, an event monitor system, a

trouble ticket tool, an invoice reporting system, a call manager service, an online order entry system, a security/authentication system and an online e-billing tool.

Referring to Fig. 2, the customer communicates with web servers 24 via a secure communications path 22 (specification – page 32, lines 11-15). After establishing that the customer is a valid customer, server 24 forwards customer requests to dispatch server 26 via connection 23 (specification – page 32, lines 20-26). Dispatch server 26 may then communicate with a variety of application-based servers, such as inbox server 31, report manager server 32, StarODS server 33, traffic view server 34, broadband server 35, service inquiry server 36 and toll-free network manager server 37 (specification – page 35, lines 11-31 and Fig. 2).

VI. ISSUES

Whether claims 1, 3-5, 7-15, 56-60 and 96 are unpatentable under 35 U.S.C. § 103(a) over Hind et al. (U.S. Patent 5,987,523; hereinafter Hind) in view of Takahashi et al. (U.S. Patent 4,823,373; hereinafter Takahashi).

VII. GROUPING OF CLAIMS

Appellants are satisfied to let claims 1, 5 and 96 stand or fall together. Appellants are also satisfied to let claims 7 and 11 stand or fall together and to let claims 8 and 9 stand or fall together. Each of claims 3, 4, 10, 12-15 and 56-60 do not stand or fall with any of the other claims for the reasons discussed in the Argument section below.

VIII. ARGUMENT

A. The Rejections

1. Claims 1, 3-5, 7-15, 56-60 and 96 are patentable under 35 U.S.C. § 103 over Hind in view of Takahashi.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention always rests upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner must provide a factual basis to support the conclusion of obviousness. In re Warner, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). Based upon the objective evidence of record, the Examiner is required to make the factual inquiries mandated by Graham v. John Deere Co., 86 S.Ct. 684, 383 U.S. 1, 148 USPQ 459 (1966). The Examiner is also required to explain how and why one having ordinary skill in the art would have been realistically motivated to modify an applied reference and/or combine applied references to arrive at the claimed invention. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

In establishing the requisite motivation, it has been consistently held that the requisite motivation to support the conclusion of obviousness is not an abstract concept, but must stem from the prior art as a whole to impel one having ordinary skill in the art to modify a reference or to combine references with a reasonable expectation of successfully achieving some particular realistic objective. See, for example, Interconnect Planning Corp. v. Feil, 227 USPQ 543 (Fed. Cir. 1985). Consistent legal precedent admonishes against the indiscriminate combination of prior art references. Carella v. Starlight Archery, 804 F.2d 135, 231 USPQ

644 (Fed. Cir. 1986); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985).

a) Claims 1, 5 and 96

With these principles in mind, the arguments below use claim 1 as representative of the group of claims including claims 1, 5 and 96. Claim 1 recites an integrated and secure system for conducting business over the public Internet by enabling a customer of an enterprise communications network to command and control the customer's switched communications connections within the network over the public Internet and to view the results of any changes in the customer's connections over the public Internet. The integrated and secure system includes, among other things, at least one secure web server, at least one dispatch server for communicating with the secure web server and a plurality of system resources, where the dispatch server provides verification of system access and proxy generation for said system resources after the customer's entitlements have been verified.

The Office Action states that Hind discloses a system that includes at least one web server, at least one dispatch server, a plurality of system resources and a network manager and points to web server 402, host server 407, resources 205 and redirector 204, respectively, as being equivalent to the claimed elements (Office Action – page 3). Appellants respectfully disagree.

Hind discloses a method for redirecting applet communications at an originating server with the capability to administer the redirection via filters and add-on administrative functions

(Hind – col. 3, lines 49-53). More particularly, Hind discloses that web server 402 may download a Java applet to web client 401. After the applet is downloaded to web client 401, the applet may request a secure connection with redirector 403 via its port number on the web server 402. The redirector 403 then connects the web client 401 with its secure port function. The web client 401 may then request connection to host server 407. The redirector 403 located in web server 402 then checks the user privileges in the host access table 405. If the user is allowed access to host server 407, the redirector 403 opens the host server port 415. The client 401 may then communicate with host server 407 via web server 402 (Hind – col. 6, lines 17-52).

In summary, Hind discloses that redirector 403 located on web server 402 acts to determine if a web client 401 is able to access host server 407. If the web client 401 is authorized, the web client 401 may communicate with host server 407 via web server 402. The Office Action alleges that the host server 407 of Hind is equivalent to the claimed at least one dispatch server. Host server 407 of Hind, however, does not provide verification of system access and proxy generation for the system resources after the customer's entitlement have been verified, as recited in claim 1. In contrast, web server 402, via redirector 403, determines if a client 401 is allowed to access host server 407. Host server 407 merely communicates with client 401 via web server 402.

Claim 1 also recites that the plurality of system resources includes a network manager which manages the routing of the customer's traffic over the communications network, and a view application to review the network traffic. Claim 1 further recites that the network

manager and view application are responsive to proxy requests from the dispatch server to enable the customer to command and control switched voice traffic resources and switched data traffic resources provided by the enterprise to the customer. Neither Hind nor Takahashi discloses or suggests these features, as discussed in detail below.

Initially, appellants note that the Office Action states that redirector 204 is equivalent to the claimed network manager. The Office Action further states that the redirector 204 has the claimed functions and points to Figs. 1-3 of Hind for support (Office Action – page 3).

Appellants respectfully disagree.

The network manager of claim 1 “manages the routing of the customer’s traffic over the communications network.” Hind is not directed to managing the routing of customer traffic over a communications network. Redirector 204 in Fig. 2 of Hind, alleged to be equivalent to the claimed network manager, merely redirects a request from a web client 201 for access to applications and resources 205. The redirector 204 (or the redirectors 303 and 403 in Figs. 3 and 4) has nothing to do with managing the routing of a customer’s traffic over a communications network. Further, Figs. 1-3 of Hind merely illustrate web clients 101, 201, 301 and 306 communicating with a web server, which in turn may communicate with server applications and resources 104 (Fig. 1), network applications and resources 205 (Fig. 2) and a host server 305 (Fig. 3). Therefore, the redirector 204 (or 303 or 403) cannot be fairly construed to be equivalent to a network manager that manages the routing of a customer’s traffic over a communications network, as recited in claim 1.

The Office Action does admit that Hind fails to disclose the use of switched voice traffic resources and switched data traffic resources including switched toll free voice traffic resources for a new network management system (Office Action – page 3). The Office Action, however, states that Takahashi teaches “the use of switched voice traffic resources and switched data traffic resources including switched toll free voice traffic resources for a new network management system” and points to the Abstract and Summary of the Invention of Takahashi for support (Office Action – page 3).

First, even if Takahashi does disclose the use of switched communications that include voice and data traffic resources, this is not what is recited in claim 1. Claim 1 recites that the plurality of system resources includes a network manager which manages the routing of the customer’s traffic over the communications network and a view application to review the network traffic. Claim 1 also recites that the network manager and the view application are responsive to proxy requests from the dispatch server to enable the customer to command and control switched voice traffic resources and switched data traffic resources provided by the enterprise to the customer. The mere fact that Takahashi discloses the use of switched voice and data traffic resources does not read on the claimed features.

Further, the Abstract of Takahashi discloses a line switching control system that switches between a data communication mode and a voice communication mode in a mobile communication system. This portion of Takahashi does not disclose either a network manager or a view application, as recited in claim 1. Therefore, this portion of Takahashi also cannot disclose a network manager and view application that are responsive to proxy requests from a

dispatch server to enable the customer to command and control switched voice traffic resources and switched data traffic resources, as also recited in claim 1.

The Summary of the Invention of Takahashi discloses a line switching control system that allows a user to switch between a data communication mode and a voice communication mode by pressing a dial key or function key of a handset (Takahashi – col. 1, line 65 to col. 2, line 25). This portion of Takahashi also does not disclose the claimed network manager and view application, much less a network manager and view application which are responsive to proxy requests from a dispatch server to enable the customer to command and control switched voice traffic resources and switched data traffic resources provided by the enterprise to the customer, as recited in claim 1. This portion of Takahashi merely discloses that in a mobile communication system, a user can press a key on his/her handset to switch between a data communication mode and a voice communication mode. This is not equivalent to the features recited in claim 1.

In response to some of these arguments that were made in a previous response, the Final Office Action mailed May 29, 2003 stated that Takahashi discloses a line switching control system for effecting line switching between a facsimile communication mode or a data communication mode and voice communication mode by using a key of an input means (Final Office Action – page 4).

Takahashi may disclose that a mobile telephone unit can switch between a data communication mode and voice communication mode by adding a facsimile or data terminal to an automobile telephone unit (Takahashi – col. 1, lines 7-13 and col. 2, lines 49-54). This,

however, is not equivalent to and does not suggest a network manager and a view application which are responsive to proxy requests from a dispatch server to enable a customer to command control switched voice traffic resources and switched data traffic resources provided by an enterprise to a customer, as required by claim 1. In contrast, these portions of Takahashi merely disclose that a mobile telephone unit can be switched from a voice communication device to a data communication device by entering a mode switching command and adding the appropriate equipment.

Appellants note that the above arguments with respect to the teachings of Takahashi were provided in the Appeal Brief filed on September 16, 2003. The current Office Action, however, has not addressed any of these arguments, even though Takahashi was also used in the same manner in the Final Office Action mailed May 29, 2003. Appellants respectfully submit that the failure to address any of these arguments indicates that Takahashi does not disclose or suggest the features discussed above.

For at least the reasons discussed above, the combination of Hind and Takahashi does not disclose or suggest each of the features of claim 1.

Further, even if, for the sake of argument, the combination of Hind and Takahashi could be reasonably construed to disclose each of the features of claim 1, the Office Action does not provide the motivation required under 35 U.S.C. § 103 as to why it would have been obvious to one of ordinary skill in the art to combine Hind and Takahashi.

For example, the Office Action also states that it would have been obvious to modify the system of Hind by adopting the teaching of Takahashi "to improve the system of Hind"

and that the system of Hind modified by adopting the teaching of Takahashi would have the claimed network manager (Office Action – page 3). Appellants respectfully disagree.

Initially, Appellants note that these arguments are identical to those given previously for combining Scholl (used in the previous rejection) and Takahashi. The statement that modifying Hind by adopting the teaching of Takahashi would improve the system of Hind is merely a conclusory statement and does not satisfy the requirement of 35 U.S.C. § 103. In other words, the allegation that Takahashi would improve Hind does not provide objective motivation as to why one of ordinary skill in the art would have modified Hind to include features from Takahashi. No portion of either reference is pointed to as providing objective motivation for the combination. In this respect, Appellants rely upon In re Deuel, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995), wherein it was held that generalizations (such as a desire to improve Hind) do not establish the realistic motivation to modify a specific reference in a specific manner to arrive at a specifically claimed invention.

Further, the disclosures of Hind and Takahashi are directed to totally different environments. Hind, as discussed above, is directed to a system for controlling access to system resources, such as network applications 205 and host server 305/407. Takahashi, in contrast, is directed to a line switching control system for a mobile communication device (Takahashi – col. 1, lines 7-13). These references are essentially unrelated, other than the fact that they may each involve communication networks. Accordingly, one of ordinary skill in the art would not look to combine the teachings of Hind and Takahashi due to the disparate nature of these references.

It is apparent that the Examiner's approach to the ultimate legal conclusion of obviousness under 35 U.S.C. § 103 amounts to a retrospective assessment as to how the claimed invention works and then combining unrelated references to arrive at the claimed invention. This type of reverse engineering approach to the obviousness issue under 35 U.S.C. § 103 has been repeatedly judicially condemned. Uniroyal, Inc. v. Rudkin-Wiley Corp., supra; Panduit Corp. v. Dennison Mfg. Co., supra. Absent such hindsight reasoning, one of ordinary skill in the art would not have been motivated to combine the references in the manner suggested by the Examiner.

Therefore, Appellants respectfully submit that the imposed rejection of claims 1, 5 and 96 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper. Accordingly, reversal of the rejection is respectfully requested.

b) Claim 3

Claim 3 recites that the switched voice traffic resources include switched toll free voice traffic resources and the network manager includes a toll free network manager application to command and control the routing of switched toll free voice traffic. The Office Action states that Takahashi discloses the use of switched toll free traffic resources and points to the Abstract and Summary of the Invention of Takahashi for support (Office Action – page 3). Appellants respectfully disagree.

Neither the Abstract nor the Summary of the Invention of Takahashi even mentions toll free voice traffic. These portions of Takahashi refer to a mobile communication system that

enables a user to switch between a data communication mode and a voice communication mode. A conventional mobile voice communication mode is not equivalent to a toll free communication mode. Therefore, the mere fact that Takahashi discloses a mobile voice communication mode does not read on or suggest receiving proxy requests from a dispatch server to enable the customer to command and control switched toll free voice traffic resources, as required by claim 3. Takahashi also does not disclose a network manager that includes a toll free network manager application to command and control the routing of switch toll free voice traffic as recited in claim 3.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 3. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 3 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper. Accordingly, reversal of the rejection is respectfully requested.

c) Claim 4

Claim 4 recites that the switched voice traffic resources include switched call center voice traffic resources and the network manager includes a call manager application to command and control the routing of switched voice traffic between call centers. In the previous response filed on March 27, 2003 and in the Appeal Brief filed on September 16, 2003, Appellants noted that the Office Action mailed December 30, 2002 did not address these

features and appellants requested that any subsequent Office Action specifically point out where these features are allegedly disclosed in the prior art of record or withdraw the rejection. In response, the Final Office Action did not particularly address these features. The current Office Action also does not particularly address these features. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established with respect to claim 4. In any event, neither Hind nor Takahashi discloses or suggests these features.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 4. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 4 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

d) Claims 7 and 11

The arguments below use claim 7 as representative of the group of claims including claims 7 and 11. Claim 7 recites that the view application includes a reporter for generating reports on switched voice communications in said network. The Final Office Action mailed May 29, 2003 did not particularly address this feature. In addition, the current Office Action did not particularly address this feature. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established with respect to claim 7. In any

event, neither Hind nor Takahashi discloses or suggests this feature.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 7. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claims 7 and 11 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

e) Claims 8 and 9

The arguments below use claim 8 as representative of the group of claims including claims 8 and 9. Claim 8 recites that the report for generating reports includes a real time reporter for generating reports on network traffic in near real time. The Final Office Action mailed May 29, 2003 did not particularly address this feature and the current Office Action also has not particularly addressed this feature. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. 103 has not been established with respect to claim 8. In any event, neither Hind nor Takahashi discloses or suggests this feature.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 8. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claims 8 and 9 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is

improper and reversal of the rejection is respectfully requested.

f) Claim 10

Claim 10 recites that the reporter for generating reports includes a reporter for generating history reports on the switched voice communications occurring during preselected periods of time. Neither the Final Office Action mailed May 29, 2003 nor the current Office Action particularly addressed this feature. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established with respect to claim 10. In any event, neither Hind nor Takahashi discloses or suggests this feature.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 10. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 10 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

g) Claim 12

Claim 12 recites that the reporter for generating reports on switched voice communications includes a priced call application for enabling a customer to generate priced reports and invoices for a plurality of switched voice communication applications. Neither the Final Office Action mailed May 29, 2003 nor the current Office Action particularly addressed

this feature. In the previous response filed March 27, 2003 and in the Appeal Brief filed September 16, 2003, Appellants requested that any subsequent Office Action point out where this feature is allegedly disclosed in the prior art of record. The Final Office Action, however, did not address this feature and the current Office Action has not addressed this feature. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established with respect to claim 12. In any event, neither Hind nor Takahashi discloses or suggests this feature. Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 12. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 12 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

h) Claim 13

Claim 13 recites that the view application includes a broadband view application for generating reports on data relating to the customer's switched data traffic. The Final Office Action mailed May 29, 2003 has not particularly addressed and the current Office Action has not addressed this feature. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established with respect to claim 13. In any event, neither Hind nor Takahashi discloses or suggests this feature.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 13. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 13 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

i) Claim 14

Claim 14 recites that the system includes an in-box application for storing and forwarding reports to the customer on data relating to the customer's switched voice and data traffic. The Final Office Action mailed May 29, 2003 and the current Office Action have not particularly addressed this feature. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established with respect to claim 14. In any event, neither Hind nor Takahashi discloses or suggests this feature.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 14. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 14 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

j) Claim 15

Claim 15 recites that the system includes an event monitor application for storing and forwarding alarms generated with respect to the customer's traffic over the communications network. The Final Office Action mailed May 29, 2003 and the current Office Action have not particularly addressed this feature. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established with respect to claim 15. In any event, neither Hind nor Takahashi discloses or suggests this feature.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 15. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 15 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

k) Claim 56

Claim 56 recites an integrated and secure system for conducting business over the public Internet that includes a plurality of system resources. The plurality of system resources includes a toll free network manager which manages the routing of the customer's toll free voice traffic and a real time monitor which provides near real time monitoring of network traffic. Claim 56 also recites that the network manager and real time monitor are responsive to proxy requests from the dispatch server to enable the customer to manage the

communications network resources provided by the enterprise to the customer in near real time.

Similar to the discussion above with respect to claims 1 and 3, neither Hind nor Takahashi discloses a toll free network manager which manages the routing of the customer's toll free traffic. In addition, neither Hind nor Takahashi discloses or suggests a real time monitor which provides near real time monitoring of network traffic, as recited in claim 56. Further, neither Hind nor Takahashi discloses enabling the customer to manage communications network resources provided by the enterprise to the customer in near real time, as recited in claim 56. Appellants note that the Final Office Action mailed May 29, 2003 and the current Office Action have not particularly addressed all these features.

Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established. In any event, neither Hind nor Takahashi discloses these features. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 56 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

1) Claim 57

Claim 57 recites that the system includes a single order entry application that enables a customer to identify and authenticate a plurality of users with distinct toll free call manager

entitlements and to modify the entitlements from a single point of customer identification and authentication. The Final Office Action mailed May 29, 2003 and the current Office Action have not particularly addressed these features despite previous requests by Appellants. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established with respect to claim 57. In any event, neither Hind nor Takahashi discloses or suggests these features.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 57. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 57 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

m) Claim 58

Claim 58 recites that the system includes an E-billing application and that the order entry and E-billing applications enable the customer to manage and pay for communications network services provided by the enterprise. The Final Office Action mailed May 29, 2003 and the current Office Action have not particularly addressed these features despite previous requests by Appellants. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established with respect to claim 58. In any event, neither Hind nor Takahashi discloses or suggests these features.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 58. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 58 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

n) Claim 59

Claim 59 recites that the system includes a client view application for generating historical reports of data relating to calls. The Final Office Action mailed May 29, 2003 and the current Office Action have not particularly addressed this feature. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established with respect to claim 59. In any event, neither Hind nor Takahashi discloses or suggests this feature.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 59. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 59 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

o) Claim 60

Claim 60 recites that the system enables invoice generation and electronic payment for pre-selected customer user calls over the public Internet. The Final Office Action mailed May 29, 2003 and the current Office Action have not particularly addressed this feature despite previous requests by Appellants. Therefore, a *prima facie* basis for denying patentability under 35 U.S.C. § 103 has not been established with respect to claim 60. In any event, neither Hind nor Takahashi discloses or suggests these features.

Therefore, the combination of Hind and Takahashi does not disclose each of the features of claim 60. Appellants also submit that it would not have been obvious to combine Hind and Takahashi for the reasons discussed above with respect to claim 1.

Accordingly, Appellants respectfully submit that the imposed rejection of claim 60 under 35 U.S.C. § 103 for obviousness based on the combination of Hind and Takahashi is improper and reversal of the rejection is respectfully requested.

IX. CONCLUSION

In view of the foregoing arguments, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejections of claims 1, 3-5, 7-15, 56-60 and 96 under 35 U.S.C. § 103.


Appeal Brief

Application Serial No. 09/159,503
Attorney Docket No. COS-97-101

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: 
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Date: January 26, 2004

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APPENDIX

1. An integrated and secure system for conducting business over the public Internet by enabling a customer of an enterprise communications network to command and control the customer's switched communications connections within the network over the public Internet and to view the results of any changes in the customer's connections over the public Internet, said system comprising:

(a) an object oriented protocol for enabling encrypted interactive communications between said system and said customer over the public Internet, said protocol invoked within said customers web browser to support encryption, customer identification, authentication and network entitlements;

(b) at least one secure web server for managing secure customer sessions over the public Internet, said secure server providing session management for the customer connection, said session management including customer identification, validation, entitlements and encryption; and

(c) at least one dispatch server for communicating with said secure web server and a plurality of system resources, said dispatch server providing verification of system access and proxy generation for said system resources after said customer's entitlements have been verified;

(d) said plurality of system resources including a network manager which manages the routing of the customer's traffic over the communications network, and a view application to review said network traffic, said network manager and said view application responsive to

proxy requests from said dispatch server to enable the customer to command and control switched voice traffic resources and switched data traffic resources provided by the enterprise to the customer.

3. The integrated and secure system for conducting business over the public Internet as claimed in Claim 1, wherein said switched voice traffic resources include switched toll free voice traffic resources and said network manager includes a toll free network manager application to command and control the routing of switched toll free voice traffic.

4. The integrated and secure system for conducting business over the public Internet as claimed in Claim 1, wherein said switched voice traffic resources include switched call center voice traffic resources and said network manager includes a call manager application to command and control the routing of switched voice traffic between call centers.

5. The integrated and secure system for conducting business over the public Internet as claimed in Claim 1, wherein said network manager includes an outbound network manager to command and control switched toll traffic.

7. The integrated and secure system for conducting business over the public Internet as claimed in Claim 1, wherein said view application includes a reporter for generating reports on switched voice communications in said network.

8. The integrated and secure system for conducting business over the public Internet as claimed in Claim 7, wherein said reporter for generating reports on the switched voice communications in said network includes a real time reporter for generating reports on network traffic in near real time.

9. The integrated and secure system for conducting business over the public Internet as claimed in Claim 7, wherein said reporter for generating reports on the switched voice communications in said network includes a real time reporter for generating reports on outbound network traffic in near real time.

10. The integrated and secure system for conducting business over the public Internet as claimed in Claim 7, wherein said reporter for generating reports on the switched voice communications in said network includes a reporter for generating history reports on said switched voice communications occurring during preselected periods of time.

11. The integrated and secure system for conducting business over the public Internet as claimed in Claim 7, wherein said reporter for generating reports on the switched voice communications in said network includes a report manager application for enabling a customer to generate reports for a plurality of switched voice communication applications and an in-box manager application for communicating the reports to the customer.

12. The integrated and secure system for conducting business over the public Internet as claimed in Claim 7, wherein said reporter for generating reports on the switched voice communications in said network includes a priced call application for enabling a customer to generate priced reports and invoices for a plurality of switched voice communication applications.

13. The integrated and secure system for conducting business over the public Internet as claimed in Claim 1, wherein said customer's switched communications connections includes switched data traffic connections and said view application includes a broadband view application for generating reports on data relating to switched data traffic.

14. The integrated and secure system for conducting business over the public Internet as claimed in Claim 1, wherein said system includes an in-box application for storing and forwarding reports to the customer on data relating to the customer's switched voice and data traffic.

15. The integrated and secure system for conducting business over the public Internet as claimed in Claim 1, wherein said system includes an event monitor application for storing and forwarding alarms generated with respect to the customer's traffic over the communications network.

56. An integrated and secure system for conducting business over the public Internet by enabling a customer of an enterprise communications network to modify the customer's switched voice communications connections within the network over the public Internet and to monitor the results in near real time over the public Internet, said system comprising:

(a) an object oriented protocol for enabling encrypted interactive communications between said system and said customer over the public Internet, said protocol invoked within said customer's web browser to support customer identification, authentication and network entitlements;

(b) at least one secure web server for managing secure customer sessions over the public Internet, said secure server providing session management for the customer connection, said session management including customer identification, validation, entitlements and encryption; and

(c) at least one dispatch server for communicating with said secure web server and a plurality of system resources, said dispatch server providing verification of system access and proxy generation for said interactive communications after said customer's entitlements have been verified;

(d) said plurality of system resources including a toll free network manager which manages the routing of the customer's toll free voice traffic over the communications network, and a real time monitor which provides near real time monitoring of network traffic, said network manager and said real time monitor responsive to proxy requests from said dispatch

server to enable the customer to manage the communications network resources provided by the enterprise to the customer in near real time.

57. The integrated and secure system for conducting business over the public Internet as claimed in Claim 56, wherein said system further includes a single order entry application as one of said plurality of system resources, wherein said order entry application enables a customer to identify and authenticate a plurality of users with distinct toll free call manager entitlements, and to modify said entitlements from a single point of customer identification and authentication.

58. The integrated and secure system for conducting business over the public Internet as claimed in Claim 57, wherein said system further comprises an E-Billing application which enables electronic business transactions to pay for said services, said order entry and E-Billing applications responsive to proxy requests from said dispatch server to enable the customer to manage and pay for the communications network services provided by the enterprise.

59. The integrated and secure system for conducting business over the public Internet claimed in Claim 56, wherein said system further includes a client view application for generating historical reports of data relating to calls by customers users on said communications network.

60. The integrated and secure system for conducting business over the public Internet as claimed in Claim 56, wherein said system enables invoice generation and electronic payment for pre-selected customer user calls over the public Internet.

96. An integrated and secure method for conducting business over the public Internet by enabling a customer of an enterprise communications network to command and control the customer's switched communications connections within the network over the public Internet and to view the results of any changes in the customer's connections over the public Internet, said method comprising:

providing an object oriented protocol to enable encrypted interactive communications between said system and said customer over the public Internet, said protocol invoked within said customer's web browser to support encryption, customer identification, authentication and network entitlements;

providing at least one secure web server to manage secure customer sessions over the public Internet, said secure server providing session management for the customer connection, said session management including customer identification, validation, entitlements and encryption;

providing at least one dispatch server to communicate with said secure web server and a plurality of system resources, said dispatch server providing verification of system access and proxy generation for said system resources after said customer's entitlements have been verified; and

providing said plurality of system resources, said system resources including a network manager which manages the routing of the customer's switched voice traffic and switched data traffic over the communications network, and a view application to review said network traffic, said network manager and said view application responsive to proxy requests from said dispatch server to enable the customer to command and control the communications network resources provided by the enterprise to the customer.